



John L. Salomone
Town Manager

TOWN OF NEWINGTON

131 CEDAR STREET
NEWINGTON, CONNECTICUT 06111

MAYOR JEFF WRIGHT

MINUTES

NEWINGTON TOWN COUNCIL

February 9, 2010

Mayor Wright called the meeting to order at 7:00 PM in the Helen Nelson Room of the Newington Town Hall.

PLEDGE OF ALLEGIANCE

ROLL CALL

Councilors Present:

Councilor Banach
Councilor Casasanta
Councilor Cohen
Councilor Klett
Councilor Lenares
Councilor McBride
Council Nagel
Council Nasinnyk
Mayor Wright

Staff Present

John Salomone, Town Manager
Ed Meehan, Town Planner
Ann Harter, Finance Director
Jaime Trevethan, Exec. Asst. to the Town Manager
Mary Richard, Council Clerk

III. PUBLIC PARTICIPATION – IN GENERAL (3 minute time limit per speaker on any item)

Ed Pizella, 29 Millbrook Ct. – commented on the cell phone at Churchill Park, he questioned why Churchill Park and after some research and it seemed inconclusive these waves have some adverse effect on human health. He named two reports that effected this situation which offer sufficient data to share some precautionary advice on cell phone use. Children being the most affected. He concluded that cell phone towers are reasonably new technologies and have not received full on health effects. He suggests that we move on the side of caution.

Laura Pizella, 1986 Main Street – commented as a concerned parent, my family and I implore to abandon the idea of putting the cell tower in Churchill Park. She states that there is strong evidence that electro magnetic radiation causes cancer. She states that there are long term studies by independent agencies that show this radiation is damaging to human and animal health. Children are especially at risk, where their tissues are not fully developed. Over 100 scientists and doctors have called cell towers a radiation hazard. She states that within a four mile radius of Churchill Park we have 46 towers and 311 antennae,

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and we should work together to create a community in which people join together to make healthy decisions. We urge you to vote NO to putting a cell tower in a park and/or a residential neighborhood.

Michael Gallon, 43 Cheney Lane – regarding the downtown funding – speaking for the Downtown Business Association. He stated that they are in support of completing the East Side component of the Constitution Square Revitalization project and Market Square with a vision of a complete revitalization of Newington Center for all. By using the existing Constitution Square contingency balance in combination with CIP funds, can be used to complete both the Constitution Square and Market Square projects. At the end of the day the Town Planner, the Finance Director and Manager should be able to implement the most affective financial strategy. The Downtown Business Association supports the comprehensive revitalization of Newington Center and both Constitution Square and Market Square are cornerstones of that effort.

Rose Lyons, 46 Elton Drive – states that she would like to stand corrected in my statement at the last meeting regarding the STEAP grant prior to the Constitution Square ground breaking. She stated that Mayor Wright had stated that it was prior to that and he was correct. She states that when the \$145,000 was transferred and it was quickly transferred into the Constitution Square Parking Lot area before we would get the other \$355,000 and say once again that we wouldn't have enough to complete the project. She states there were other issues about the safety in the parking area. However, she states that on the East Side of the parking lot when the West Side was started it had no lighting back there. She questioned why there are still no lights there.

Maddie Kenny, 53 Crestview Drive – states the parking lot debacle funding presents a parallel to an old wooden playscape from long ago that PTA wanted to purchase for the kids, and it was all done with good intentions. Having raised about half the money and suddenly didn't have enough to complete it. They went to the Board of Education and put the Board of Education over a chicken pluckin' barrel. The Board of Education took money and did complete the not-needed project.

Robert Seiler, 83 Flagler Street – has one concern regarding the cell phone tower, remembers his brother, weighing 1.5 pounds at birth. The accepted medical procedure was to put him in an incubator with pure oxygen and he was blinded because of that. Then in 1952 they determined that that was not the way to go. If that information was available at the time, he might not have been blinded or died at age 48. Using as an analogy, he believe that cell phone use and cell phone towers are in their infancy and maybe we should step back and look at the health issue that won't become apparent until 20 years from now.

Chris Lippett, 1990 Main St – states his concerns regarding the cell towers. He feels that when putting this project in an area primarily occupied by children, there should be some concern. He states that he doesn't want to come back in 20 years to pay for law suits because of taking risks of the people on these health issues. Suggest that another location should be considered.

Steve Pizella, 1986 Main Street – states that as a young age he pictured raising my own family in this great town and feel blessed now. We have always had a great emphasis on the welfare and safety of our children. He states that he doesn't believe that there should be consideration of putting a cell tower in a park when children might be effected. He asks that we consider the safety and well being of families and children first and foremost and vote NO to the cell phone in Churchill Park.

Fred Callahan –stated that he has two cell towers in his front yard. Wethersfield tested the towers in his yard, one of his towers did get into the gullies. He has all the major carriers on his towers and these are expanding daily. He believes that the main purpose for the tower in Churchill Park is for Fire and Police, and if there was a study, there would be no problem at all. He asks that his towers might be an alternative to Churchill Park.

Bart Stanko, 142 Market Square – understands the comments made regarding the tower going into Churchill Park but it has been proven when merchants have been moving in, one merchant expanded, totaling putting back into the community about \$100,000 from Newington Electric, and others here in town and it works.

Councilor McBride moved to remove agenda item IV.E.1 – STEAP Reprogram, from the agenda. Motion seconded by Councilor Nasinnyk. Motion passed 9-0.

IV CONSIDERATION OF OLD BUSINESS

A. 2011 Revaluation

Steve Juda, Assessor – asks the Town Manager to authorize a contract with Tyler Technologies / CLT Division to perform the 2011 Revitalization of all real estate as required by State law. We are looking to change our software and also contact with Vision to bring in a new Computer Assisted Mass Appraisal (CAMA) software system. The recommended Revaluation is Option 2 which has twelve steps would have us using other sources and only to 2000 or so condominiums. We would be utilizing a combination of data mailers, new digital photography, sales verification forms, income expense statements and other realty sites. Councilor Nasinnyk thinks that this is a remarkable savings and appreciates Mr. Juda's looking into all the different choices. Mr. Juda states that this revaluation is giving us much more bang for the dollar, and more is coming to the Town of Newington for roughly the same dollar.

B. Refunding of the 1999-2000 Bond Issue

Councilor Lenares moved the following:

Town Council Resolution: Refunding Bonds

RESOLVED:

That the Newington Town Council hereby adopts the following resolution authorizing the issue of up to \$5,000,000 bonds to refund certain prior bonds of the Town and to finance such additional amounts as are needed to pay all fees, costs, expenses and premium in connection with the refunding of the prior bonds and the authorization, issuance and sale of the refunding bonds and appropriating the proceeds of such bonds for the foregoing purpose that was introduced at the Town Council meeting of January 26, 2010 and heard at the Public Hearing on February 9, 2010, a copy of the full text is attached and shall be entered into the record.

MOTION BY: Councilor Lenares
SECONDED BY: Councilor Cohen
VOTE: 9 - 0

TOWN OF NEWINGTON

TOWN COUNCIL RESOLUTION (REFUNDING BONDS)

WHEREAS, on May 18, 1999, the Town of Newington, Connecticut (the "Town") issued its \$6,000,000 General Obligation Bonds, Issue of 1999, dated May 15, 1999 to finance certain school improvements of the Town (the "1999 Bonds"); and

WHEREAS, on April 11, 2000, the Town issued its \$6,000,000 General Obligation Bonds, Issue of 2000, dated April 1, 2000 to finance certain school improvements of the Town (the "2000 Bonds," together with the 1999 Bonds, collectively, the "Prior Bonds"); and

WHEREAS, the 1999 Bonds maturing after May 15, 2009 are subject to redemption prior to maturity, at the option of the Town, on or after May 15, 2009, in whole or in part at any time at the redemption prices set forth in the 1999 Bonds; and

WHEREAS, the 2000 Bonds maturing after April 1, 2010 are subject to redemption prior to maturity, at the option of the Town, on or after April 1, 2010, in whole or in part at any time at the redemption prices set forth in the 2000 Bonds; and

WHEREAS, Section 7-370c of the Connecticut General Statutes provides authority for any municipality to issue refunding bonds for the payment, funding or refunding of bonds, notes or other obligations previously issued; and

WHEREAS, Section 7-370c provides that such refunding bonds shall be authorized and issued by resolution of the legislative body of the municipality; and

NOW THEREFORE, BE IT RESOLVED,

(1) That the Town issue its general obligation bonds in the aggregate principal amount of up to \$5,000,000 (the "Bonds") to refund certain of the Prior Bonds and to finance such additional amounts as are needed to pay all fees, costs, expenses and premium in connection with the refunding of the Prior Bonds and the authorization, issuance and sale of the Bonds, including, but not limited to, legal, advisory, printing and administrative expenses, underwriter's discount, and expenses in connection with credit enhancement, if necessary, and the proceeds of the Bonds be appropriated for the foregoing purposes; provided, however, that the refunding of the Prior Bonds provides a net debt service savings to the Town and that the amount of the Bonds issued does not exceed the amount needed to refund the Prior Bonds and to pay the costs authorized herein.

(2) That the Town Manager and the Town Treasurer or the Director of Finance of the Town (the "Officials") are hereby authorized to determine the date, rates of interest, principal payment amounts, maturities, dates of principal and interest payments, the form of such Bonds, the provisions for protecting and enforcing the rights and remedies of the holders of such Bonds and such other terms, conditions and particular matters regarding the Bonds and the issuance and securing thereof, all in accordance with the Connecticut General Statutes and the Charter of the Town, and to take such actions and execute such documents including, but not limited to, a contract of purchase, to provide all supporting documentation as may be necessary or desirable to accomplish such purposes and to comply with the requirements of the Internal Revenue Code of 1986, as amended, U.S. Securities and Exchange Commission Rule 15c2-12, and any other applicable provision of law thereto enabling. The Bonds authorized hereby shall be general obligations of the Town secured by the full faith and credit of the Town.

(3) That the Bonds shall be signed by the Officials either by their genuine signatures or by facsimiles of such signatures printed on the Bonds and that the law firm of Updike, Kelly & Spellacy, P.C., Hartford, Connecticut, is designated as bond counsel to render an opinion approving the legality of the issuance of the Bonds.

(4) That the Officials are hereby authorized to designate a bank or trust company to be the certifying bank, registrar, escrow agent, transfer agent and paying agent for such Bonds; to provide for the keeping of a record of the Bonds; to designate a financial advisor to the Town in connection with the sale of the Bonds; and to designate an underwriter in connection with any negotiated sale and purchase of the Bonds.

(5) That the Officials are authorized to sell the Bonds at a public or negotiated sale; to deliver the Bonds and to perform all other acts which are necessary or appropriate to issue the Bonds; to make representations and covenants on behalf of the Town for the benefit of the holders of the Bonds to provide secondary market disclosure information in accordance with U.S. Securities and Exchange Commission Rule 15c2-12, as it may be amended from time to time, including, but not limited to, executing and delivering a continuing disclosure agreement; their respective approvals to be conclusively evidenced by their signature on any such agreements relating thereto.

(6) That the Officials are authorized to refund the Prior Bonds from the proceeds of the Bonds and other moneys as they may determine to make available for this purpose, and to decrease the Prior Bonds by executing and delivering an escrow agreement in such form and upon such terms as they shall approve, such approval to be conclusively evidenced by their execution thereof.

(7) That the Officials are hereby authorized on behalf of the Town to make such representations and covenants for the benefit of the holders of the Bonds which are necessary or appropriate to ensure the exemption of interest on the Bonds from taxation under the Internal

Revenue Code of 1986, as amended, including, but not limited to, covenants to pay rebates of investment earnings to the United States in future years; their respective approvals to be conclusively evidenced by their signature on any such agreements relating thereto.

(8) That the Officials be authorized to designate other officials or employees of the Town to take such actions and execute such documents, as are determined to be necessary or advisable and in the best interests of the Town in order to refund the Prior Bonds and to issue, sell and deliver the Bonds, and that the execution and delivery of such documents shall be conclusive evidence of such determination.

C 8-24 Referral: Churchill Cell Tower

Mayor Wright invited Mr. Kevin Borrup and Mr. Paul Hutcheon, Director of the Central CT Health District to the table. Mr. Paul Hutcheon – stated that offered handouts with information is that the cell phone towers are safe based on the evidence received to date. A way to accomplish this is to ensure the height of these units and devices on these units are adequately spaced above ground level and installed with the FCC standards.

Councilor Klett asked if the cell phone use rather than the towers were more at risk. She asked if Mr. Hutcheon had come across any issues in that regard. Mr. Hutcheon answered that he had not done that level of a revue. Many sources on line with information relative to this issue and the ill health effects are not relative to this issue. He believe that cell phone use is more of a basis of concern. Councilor stated that in Newington there is a cell phone tower, and is there another one and were you consulted about that one. John Salomone said that he doesn't think there was a discussion of health issue. Councilor Cohen asked if there might be other sites that could benefit the Police Department. John said the Police Department in the past questioned what would be an appropriate to put a cell phone tower that meets our needs that covers an area. We entered a discussion with them. We need to have a mutual gain/gain arrangement. At this point the conservative nature is that there are no risks unacceptable based on the reports that we have. Councilor Lenares – read a letter from Elaine Snyder who strongly opposes the Churchill Park as a location for the cell tower. Councilor Klett states that she doesn't know enough about Their responsibilities to suggest that we pass on this issue and table this item to get more information. Mr. Banach asked if the suggestion by Mr. Callahan regarding adding to another tower, would be a realistic possibility. John Salomone can't say for sure that this would be an answer without more information.

Councilor Banach moved to table the item. Seconded by Councilor Klett Vote: 9 – 0

C. TPZ Fee Changes

Councilor Casasanta moved the following:

WHEREAS, Public Act 09-03, Section 396 increased the fees municipalities collect for land use applications on behalf of the State of Connecticut Department of Environmental Protection's Environmental Quality Fund; and

WHEREAS, the Statute states that for land use applications required by Chapter 124 and 126 the fees collected by the municipality after October 1, 2009 increase from \$30.00 to \$60.00 per application; and

WHEREAS, pursuant to the Newington Code of Ordnances Chapter 225-1, the Town Council is responsible for determining application fees;

NOW THEREFORE BE IT RESOLVED, that the Newington Town Council hereby adopts the fee schedule as attached to this resolution.

MOTION BY: Councilor Casasanta
SECONDED BY: Councilor Nagel
VOTE: 9-0 yes

**Land Use Application Fees
Effective upon Town Council Approval
February 2010**

1. Subdivision and Open Space Subdivision: \$100.00/lot (\$300.00 minimum)
2. Change of Zone or Zoning Amendment: \$500.00
3. Site Plan Submission in the B, B-TC, B-BT, I, PD, CD and PL Zones: \$250.00
4. R-D Zone and Special Exemptions in the R-7 and R12 Zone, Section 3.7: \$450.00 plus \$25.00 per dwelling unit
5. Special Exceptions or Special Permits: \$200.00. Exceptions:
 - a. Multi-family use in B-TC or PD Zone: \$250.00 plus \$25.00 per dwelling unit
 - b. Hospitals, etal: \$200.00 plus \$25.00 per bed
 - c. Special Flood Hazard Permit: \$150.00
 - d. Special Exceptions for Signs, Section 6.2.4: \$100.00
6. Modification of Site Development Plans: \$175.00
7. Zoning Permit: \$15.00

E. Downtown Project Transfers

1. Authorize Town Manager to Request STEAP Fund Reprogramming

(Removed from agenda)

2. Discussion: Plan for Completion of Downtown Projects

(Conversation as noted below)

3. Transfers from Various Completed Capital Projects

Councilor Lenares moved the following:

CERTIFICATION:

In accordance with Section 808 of the Town Charter, I hereby certify that there exists, free from encumbrances, in the following appropriations in the Capital and Non-Recurring Expenditures Fund, the amounts listed below:

| <u>Account Number</u> | <u>Title</u> | <u>Amount</u> |
|---------------------------|--|------------------|
| 88416 | Drainage Improvement | \$91,105 |
| 88520 | Comprehensive Parks Master Plan | 2,190 |
| 88413 | Fire Depart Rust Repair for Apparatus | 2,647 |
| 88932 | Martin Kellogg Middle School Parking Lot | 1,142 |
| 88213 | Town Hall Aesthetic Improvements | 7 |
| 88215 | Fire Department Resurfacing Project | 45 |
| 88421 | Corrective Drainage | 40,273 |
| 88315 | Thermal Imaging Cameras | 158 |
| | Total | \$137,567 |

Ann J. Harter, Director of Finance

RESOLVED:

That the Newington Town Council hereby transfers the above-certified funds in the Capital and Non-recurring Expenditures Fund to the following account in the Capital and Non-Recurring Expenditures Fund:

| <u>Account Number</u> | <u>Title</u> | <u>Amount</u> |
|---------------------------|---|---------------|
| 88037 | Municipal Parking Lot Improvement Project | \$137,567 |

Motion seconded by Councilor Klett. Motion passed 9-0.

4. Transfers from the Public Building Fund

Councilor Lenares moved the following:

CERTIFICATION:

In accordance with Section 808 of the Town Charter, I hereby certify that there exists, free from encumbrances, in the following appropriations in the Public Building Fund, the amounts listed below:

| <u>Account Number</u> | <u>Title</u> | <u>Amount</u> |
|---------------------------|---|---------------|
| 88702 | Senior & Disabled Center Roof Replacement | \$687 |
| 88703 | Library Roof Replacement | 18,944 |
| 88003 | Salt Storage Shed | <u>2,802</u> |
| | Total | \$22,433 |

Ann J. Harter, Director of Finance

RESOLVED:

That the Newington Town Council hereby transfers the above-certified funds in the Public Building Fund to the following account in the Capital and Non-Recurring Expenditures Fund:

| <u>Account Number</u> | <u>Title</u> | <u>Amount</u> |
|---------------------------|---|---------------|
| 88037 | Municipal Parking Lot Improvement Project | \$22,433 |

Motion seconded by Councilor Nagel. Motion passed 9-0.

5. Authorize Town Manager to Enter into a Contract for Constitution Square Phase II

Councilor McBride moved the following:

ALTERNATE RESOLUTION

WHEREAS, the Council has approved the transfer of \$160,000 from various Capital Improvement Project and public building accounts; and

WHEREAS, the Town Manager will reduce, through value engineering, deductions totaling \$60,000 from the Phase I and Phase II construction specifications of the Constitution Square downtown development project; and

WHEREAS, \$50,000 of funds allocated for the transition between Phase I parking and the uncompleted Phase II parking will not be necessary; and

WHEREAS, \$260,000 will be included in the Town's 2010-2011 Capital Improvement fund for the Constitution Square downtown development project;

NOW THEREFORE BE IT RESOLVED, that the Town Manager is authorized to enter into a Contract with Quality Associates for the amount of \$495,000 plus a contingency of \$35,000 to complete the phase II of Constitution Square downtown development project;

NOW THEREFORE BE IT RESOLVED, that the Town Manager is authorized to enter into a contract with Quality Associates for the amount of \$495,000 plus a contingency of \$35,000 to complete the phase II of Constitution Square downtown development project.

BE IT FURTHER RESOLVED, that the awarding of the Phase II contract will be contingent upon the inclusion of \$260,000 for the Constitution Square downtown development project in the Town's 2010-2011 Capital Improvement Project Funds.

MOTION BY: Councilor McBride

SECONDED BY: Councilor Nasinnyk

VOTE: 9 – 0

Comments – Councilor Cohen stated that a discussion that we were looking for a State grant and were notified that we had received \$100,000,000 for a parking lot but had not prioritized our projects and that was not on top of list. We decided that the East side of the parking lot could wait and we could do the West side of the parking lot, then were told there was not enough money to do the West side so took the money intended for Market Square. Then it was proposed that we would put more STREAP money into the parking lot. This depends on both projects receiving funds and going forward, depending on our new budget in April for both projects. We need a commitment from the Council to put funding into our new plan when we'll be voting on our new budget, giving us funds to move forward with both projects. Councilor Nasinnyk – being the Chairperson of the sub-committee of Capital Improvement and mentions that there was discussion on what to do with the money available for Capital Improvement projects in 2010-2011, and usually that committee will meet and see what the needs of the Town are and make a prioritized decision on what happens with that money and that recommendation comes before the Council for approval. Then it goes before the budget process and hopefully that fund won't have to be cut because that's a Capital Improvement project committee and has enough money to continue on with capital improvements. The Capital Improvement Committee has not voted on their projects for 2010 / 2011 and I appreciate the wording being in this resolution and the next one where it is contingent on money being available.

Councilor Banach – our alternate resolutions 3 & 4 regarding the downtown revitalization is to specifically accelerate the process to Market Square which has been waiting to get addressed and now is the time to get it done.

Councilor Klett asked Mr. Meehan that he had mentioned that there were issues with some of the roofs of the building and that might create some drainage problem and it had been corrected. She wonders if the same issue exists on East side if so can the same kind of improvement can be done to correct the drainage problem. Mr. Meehan answered on the West Side there were opportunities to tie in to drainage systems and that was advantageous because it reduces icing and problems on the sidewalk area. We

don't have the same opportunities on the East Side because the drainage system is really out in the main driveway, and there have been problems in the corners of building in that area. We need the Council to move forward and work with contractor and downtown Revitalization Committee. There are a couple areas of problems but we should look at them but can't promise that they can be solved. Councilor Nasinnyk says that the Committee and Council can make sure that there will be no problems when completing the parking lot. This has been a hot topic in the community, and many people strongly opposed and many in favor. It should be all about doing something for the people of Newington, for both projects.

Mayor Wright stated that staff is working hard to be making these improvements and complements the staff on this golden opportunity with the pricing. Councilor McBride – This is a great project for the Town and also for the business owners, and the businesses really appreciate the work being done on the parking lot. We're having great progress in proceeding with both projects.

Councilor Nasinnyk – regarding what value engineering has done on the projects and we never really know what specifically that is, could Mr. Meehan tell us what some of those engineering things are. Mr. Meehan answered that a discussion with Town Staff and Town Engineers with the contractor is to eliminate some of the stamped asphalt which makes it look like an expensive process. There are other areas to look at where we can save money and reduce the cost of the project.

Councilor Lenares asked Mr. Meehan if we will set up a meeting fairly soon before any project gets going regarding the savings. Mr. Meehan stated later in the agenda there are 2 appointments for the Development Commission and we have full confidence in them so that we can reactivate the committee and start the progress on Market Square. Mayor Wright stated that he is very proud of this Town Council in working toward completing the Constitution Square and Market Square.

F. Market Square Project: Funding and Charge to Downtown Revitalization Committee

Councilor McBride moved the following:

ALTERNATE RESOLUTION

WHEREAS, the Market Square project is a key component of the downtown revitalization; and

WHEREAS, the \$350,000 STEAP Phase IV grant has been received for the initial plan, design and construction for said project; and

WHEREAS, \$373,000 will be included in the Town's 2010-2011 Capital Improvement Project funds to complete the Market Square project;

NOW THEREFORE BE IT RESOLVED, that the Town Council directs the Downtown Revitalization Committee to begin the process of designing the Market Square Project; and

BE IT FURTHER RESOLVED, that the Downtown Revitalization Committee be charged with preparing a Request for Proposal for the engineering services and prepare documents necessary to bring the project to the bid stage, and the warding of the Market Square project will be contingent upon the inclusion of the \$373,000 for the Market Square project in the Town's 2010-2011 Capital Improvement Projects funds.

Comments –

Councilor Nasinnyk - stated that she is pleased that now we have the ability to move ahead with the projects, with Market Square and Constitution Square with equal value.

Councilor Cohen – stated she is very happy that we've finally agreed to proceed with both projects.

Councilor Nagel – stated that he is pleased that this Council has found a way of putting the community first and not putting one project over the other.

MOTION BY: Councilor McBride
SECONDED BY: Councilor Cohen
VOTE: 9- 0

G. Ordinance and Fee Changes: West Meadow Cemetery

Councilor Lenares moved the following:

INTRODUCTION:

I hereby introduce for the Town Council's consideration proposed amendments to the Town of Newington Code of Ordinances, Chapter 194: Cemeteries, a copy of said proposed amendments has been filed with the Clerk of the Council.

Introduced by: Councilor Lenares

RESOLVED:

That a Public Hearing be held on February 23, 2010 at 6:55 p.m. to consider proposed amendments to Town of Newington Code of Ordinances, Chapter 194: Cemeteries.

Motion by Councilor Lenares
Seconded by Councilor Nasinnyk
Vote 9 – 0

TOWN OF NEWINGTON
PROPOSED ORDINANCE AMENDMENTS
CHAPTER 194: CEMETERIES

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF NEWINGTON THAT:

Chapter 194, "Cemeteries" is hereby amended as follows:

§194-11 E, will be amended to add at the end of the section "Nothing will be allowed to be taped, adhered to, or in any way placed on the gravestone. All such items shall be removed by the Town of Newington cemetery personnel and the expense for removal shall be charged to the owner of the gravesite."

Add the following:

§194-11 H. For all double depth burials, any funeral or related service in the cemetery shall be held with the casket on firm ground in the vicinity of the grave, the specific location to be determined by the Sexton. The casket shall be lowered into the grave only after the ceremony is over.

§194-12 I (2), will be amended to read: "No memorial, whether upright monument or flush marker, shall be less than four inches in thickness at its narrowest dimension, nor more than a maximum of fourteen inches. Upright monuments in the non-Veteran's section added in 2009, known as Section F, may be of variable heights, not to exceed forty eight inches in height, including the base. No monument shall be wider than thirty six inches at its widest point, when placed on a single grave monument lot. No monument shall be wider than fifty four inches at its widest point when placed on a double grave monument lot."

§194-12 I (4), will be amended to read: "Only one upright monument shall be allowed for each monument lot and only one flush marker per grave will be permitted. On a flush marker lot, two flush markers will be permitted per grave."

Add the following:

§ 194-14. Cremated Remains Columbaria.

- A. Unless specifically provided herein, the provisions of §194-11 Interments, shall also apply to this section. For this section "graves" shall be replaced with "niches", "interment" with "inurnment", and "disinterment" with "removal of urns".
- B. The Sexton shall have authority to sell inurnment rights and inscription rights for cremated remains. Rights shall only be sold to persons having residence within the Town of Newington for a period of six months or more, or to persons who formerly had residence within the Town of Newington of at least six months' duration. There shall be no more than two sets of cremated remains in any niche. All cremated remains shall be contained in urns that will fit within the purchased niche. No inurnment shall be permitted unless the niche to be used is paid in full prior to or at the time of inurnment. Niches may be reserved for a period of no longer than 30 days, upon which time full payment must be made. No credit or installments shall be allowed. All niches must be paid in full before any inscriptions are made on the columbarium. Upon payment in full of the purchase price, a deed will be executed and delivered to the purchaser for each niche sold. Each such deed shall be subject to the terms of this chapter and such other rules and regulations as may be adopted for the management of the cemetery. Any deed shall grant to the purchaser only the right to use the niche for the inurnment of the ashes of himself/herself, his/her family, his/her heirs and devisees and such friends (provided such friends have been Newington residents) as may be placed therein without profit, gain, emolument, or advantage to the purchaser or owner of the niche.
- C. In the event of any transfer or sale of a niche by the purchaser or owner, the Town of Newington shall have the first right to purchase the niche at the same price at which the Town originally sold the niche to the owner. Any sale or transfer of any niche which has not been first offered to the Town in accordance with the above shall be void. Furthermore, no sale or transfer of a niche by any purchaser or owner or heir will be allowed or be valid except upon the prior written notice to and consent of the Sexton and upon receipt of the original deed. The Sexton shall impose a reasonable charge for effecting any proper transfer of a niche. The Sexton shall also charge for a new face plate cover whenever the Town purchases back a niche whose face plate cover is no longer blank.
- D. When a deed is issued for a niche, it shall convey only the right of inurnment therein and the inscription of the face plate, and it shall be the duty of the Sexton to enter thereon and prohibit, remove, or modify an object or adornment or work done in violation of this chapter or rules and regulations established pursuant thereto which may be judged objectionable or injurious to the cemetery. The Town of Newington shall reserve the right to develop and improve the cemetery and the columbarium from time to time in accordance with the judgment of the Sexton.
- E. All inurnments and removals of urns shall be made by Town of Newington cemetery personnel. All inscriptions shall be cut by a method of sandblasting into faceplates affixed to the granite fronts of the niches. The style and size of lettering and numerals shall be determined by the Sexton and a standard set for all lettering on the niche fronts. After completion of the official inscription form by an authorized agent of the deed holder, all inscription work will be done by the Town of Newington or a contractor selected by and working under the direction of the Sexton. In the event that information for inscription provided to the Sexton is inaccurate or incorrect, all costs to correct the inscription or to make a new inscription shall be paid for by the niche owner. Inscriptions shall be limited to the name, on one or two lines, the year of birth, and the year of

death only. There shall not be more than 16 characters and spaces per line. For Veterans who have received an honorable discharge from United States military service, inscriptions shall include the person's name, year of birth, year of death, the branch of service, and the war(s) in which the Veteran served.

- F. There shall be a Veteran's Section, with graves and a columbarium, in the West Meadow Cemetery, reserved specifically for those who have received an honorable discharge from United States military service, and their spouses, only. Inscriptions for the niches in this columbarium shall be limited to the person's name, on one or two lines, the year of birth, the year of death, the branch of service and the war(s) in which the Veteran served. There shall not be more than 16 characters and spaces per line. Graves in this Veteran's section shall have flush markers only.
- G. All plantings shall be done and maintained by Town of Newington cemetery personnel.
- H. Nothing will be allowed to be taped, adhered to, or in any way placed on the niche fronts or the columbarium. Pictures, flowers, flower holders, decorations, etc. shall not be allowed on the niche fronts or the columbarium. All such items shall be removed by Town of Newington cemetery personnel and the expense for the removal and cleaning of the granite shall be charged to the niche owner. Inurnment rights may be revoked if continued violation of these rules and regulations occur.

ATTORNEY REVIEW DATE: 9-24-09

INTRODUCTION DATE: 2-9-10

PUBLICATION DATE: _____

PUBLIC HEARING: _____

ADOPTION DATE: _____

H. Set Dates for Public Hearing

Councilor Lenares moved the following:

RESOLVED:

That the Newington Town Council, pursuant to Section 805 of the Newington Town Charter, will hold two Public Hearings on the proposed budget for fiscal year 2010-2011. These Public Hearings will be held at 7:00 p.m. in the Town Hall (unless otherwise indicated) as follows

**Monday, March 15, 2010
Thursday, April 8, 2010**

MOTION BY: Councilor Lenares
SECONDED BY: Councilor Nasinnyk
VOTE: 9 – 0

V. CONSIDERATION OF NEW BUSINESS

A. Discussion: Realignment of Maple Hill Avenue and Alumni Road

Councilor Banach – stated that the Council sees that this is a project we should try to get going for a number of reasons, one being a safety concern for high school students during rush hour and athletes and two it offers an opportunity for development and hopefully increase our property tax base and help keep taxes down for everyone.

Ed Meehan stated that 2002 – 2003 after extensive design work in 2003 by the Department of Transportation and the Advisory committee, the Council saw in this plan the safety improvements and also concern with the cutting into the Old Farms neighborhood. As seen in the motion that was passed in October 14, 2002, the Department of Transportation supported the project except for that access into the neighborhood. It was set aside. The access situation at Maple Hill and Cedar is still a problem because of the number of vehicles, plus the traffic on Cedar Street has increased by 3 or 4% over the last few years. If the Council considers putting this issue back should be with the understanding that any concerns with protecting the neighborhood should be considered. That neighborhood now has a traffic signal allowing safe access to Cedar Street. Mr. Meehan recently spoke with the developer of that project and he is still interested in working with the community to make that happen, along with possibly relocating Alumni Road so as not to split the athletic fields use. Councilor Klett asked how we would open a dialogue with the neighboring residents regarding the safety issues.

B. INLAND WETLANDS REVISED REGULATIONS

Town Engineer Tony Ferraro stated in a memo to the Council that the Commission has been in the process of revising it's regulations and has submitted a draft of the revised regulations for review and approval. The proposed revisions have been found acceptable by the Town Attorney and a Public Hearing has been held regarding the changes. Councilor Nasinnyk commented that it was difficult to figure out what all the changes were. Councilor Nagel asked if all the changes in here are with State Regulations and Town Manager Salomone stated that yes everything is in concert with regulations.

VI. RESIGNATIONS/APPOINTMENTS

A. Commission on Aging

Councilor Lenares moved the following:

RESOLVED:

That the Newington Town Council hereby accepts the resignation of Barbara Boni from the Commission on Aging and Disabled effective January 15, 2010, in accordance with a letter dated January 15, 2010.

MOTION BY: Councilor Lenares
SECONDED BY: Councilor Cohen
VOTE: 9 - 0

B. CRCOG Regional Planning Commission

Councilor Lenares moved the following:

RESOLVED:

That the Newington Town Council hereby appoints the following to the Capitol Region Council of Governments (CRCOG) Regional Planning Commission:

| Name | Address | Party | Term | Replaces |
|-----------------|-------------------------|--------------|-----------------|-----------------|
| TPZ Rep: | 364 Cypress Road | D | TPZ Term | Vacant |

| | | | | |
|---|---------------------------|----------|-----------------|---------------|
| Michelle Camerota | | | | |
| TPZ Alternate: Michael Carragher | 38 Coolidge Avenue | D | TPZ Term | Vacant |

MOTION BY: Councilor Lenares
 SECONDED BY: Council Nasinnyk
 VOTE: 9 - 0

C. APPOINTMENTS TO DOWNTOWN REVITALIZATION COMMITTEE

Councilor Lenares moved the following:

RESOLVED:

That the Newington Town Council hereby makes the following appointments to the Downtown Revitalization Committee:

| Member | Address | Party | Term | Replaces |
|---|-------------------------|--------------|----------------------------|-----------------|
| Development Comm. Rep.: James Marocchini | 75 Michael Lane | D | Dev. Comm. Term | Vacant |
| Development Comm. Rep.: Michael Gerhart | 11 Windmill Lane | R | Dev. Comm. Term | Vacant |

MOTION BY: Councilor McBride
 SECONDED BY: Councilor Klett
 VOTE 9 - 0

VII. WRITTEN/ORAL COMMUNICATIONS FROM THE TOWN MANAGER, OTHER TOWN AGENCIES AND OFFICIALS, OTHER GOVERNMENTAL AGENCIES AND OFFICIALS AND THE PUBLIC.

- A. Town Manager Report - Mayor Wright stated that the Manager Report will be read at the next meeting.

VIII. COUNCIL LIAISON/COMMITTEE REPORTS

Council Nasinnyk – CIP meeting on February 1, coming before the Council and at some time in the future we have an opportunity to change Insurance Fund reserve. At the present time the reserve fund is capped at \$ 225,000

Councilor Cohen – the Commission on Aging volunteers are trained and are very busy right now.

Councilor Nagel – the Library are looking to expand the Library. The Board of Education has set up to collaboration with school and will be attending the Library Committee meeting and discussed the details about the plans. The initial planning has started i.e. possible funding, land space becoming available and inquiring about the sites on Cedar Mountain and others. Every other Thursday for special .meetings has been set up

IX PUBLIC PARTICIPATON – IN GENERAL (3 minute time limit per speaker on any item)

Sharon Braverman, 39 Churchill Way – congratulates the Council on listening and really hearing the residents that were concerned about the Cell Tower. It was nice to see that whatever the outcome, It was a good move. Asked if the State of the Town on Thursday or not, maybe Mayor Wright could announce that at the end of this meeting.

X. REMARKS BY COUNCILORS

Councilor Klett – asked that the minutes of January 26, 2010 be corrected to include her comments that I had concerns about the safety issue of the Cell Tower and had asked for additional information pertaining to the health risk. Lastly, an article in the last Town Crier that she believes, not repeating the comments that were essentially on the characterization of a dialogue between the Mayor and Mrs. Cohen. She stated that she and Mayor have not always seen eye to eye on things but prides herself in being professional, personal and political life to try to treat fairly and with respect and she has a problem with the inflammatory comments that this characterization, I don't think that Mrs. Cohen has any problem with standing up for herself and any member of the Council and especially the Mayor would never allow these things to occur without standing up for the Council member. She believe that the comments were a total mischaracterization of what occurred. She doesn't think that its right or fair to anyone around this table to take comments and turn them into something that they really want.

Councilor Banach suggest its time for a new recording system with the digital age, not just here, but it might be time for a more upgraded system.

Mayor Wright stated that the State of the Town Address, sponsored by the Chamber of Commerce was to be presented on Thursday morning has been postponed until Friday morning, 8 PM. Also he reminded everyone that next Wednesday, February 17th is the kick-off for the Relay For Life program at the Senior and Disable Center and invited everyone to join at 6:30 PM. Also, the fund raiser to help Newington's participation in the St. Patrick's Day parade in Hartford, 7 PM, Feb 18th at the Brickhouse. Once again he stated that he is very proud of the work this Council is doing.

XI. ADJOURNMENT

Councilor Nagel moved to adjourn the meeting at 8:55 PM. Motion seconded by Councilor Klett - Motion passed 9-0

Submitted Respectfully,

Mary Richard
Clerk of the Council